



**STATEMENT FOR HEARING: LOCAL GOVERNMENT COMMITTEE**  
**June 7, 2017 at 12:00 P.M.**  
**New HB 4105 & HB 4334 "Sanctuary Policy Prohibition Act"**

Dear Michigan State Representatives,

We, the United Hispanic Workers of Detroit, Detroit Chapter of Indivisible, Detroit Jews for Justice, and Showing up for Racial Justice, believe that HB 4105 and HB 4334, the Sanctuary Policy Prohibition Acts, would be the wrong direction for Michigan. We believe these bills would have deep, long-lasting negative consequences for Michiganders because they would:

**Hurt Our Cities, Townships, and Counties:**

- Financially straps local governments when most already work with scarce resources
- Put onerous reporting requirements to comply with the state, incentivizing racial profiling in return for not losing state revenue sharing
- Waste hard-earned taxpayer dollars
- Burdens local law enforcement by forcing them to act as federal immigration agents, even if the residents, elected officials, or even police department of that community disagrees with this top-down approach
- Will negatively hurt local economies and small businesses, the real drivers of community economies, as 2017 Center for American Progress report found crime is lower in sanctuary counties, local economies are actually stronger; there's also higher median household income, less poverty, less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.

**Hurts Community Safety:**

- Increases racial profiling
- Break the already fragile trust between most communities and local law enforcement
- Mean a decrease in crime victims feeling safe enough to report crimes, from domestic violence to traffic accidents, for fear of deportation
- Ultimately hurt community safety and make neighborhoods *less* safe

**Violates the Constitution, Acts, and Other:**

- Unconstitutional, violating the Equal Protection Clause in the US Constitution
- Possibly violates Title VI of the Civil Rights Act of 1964
- Violates the UN International Covenant on Civil & Political Rights, which the US signed

We as residents of this great state of ours, as members of our communities, and many of us from various immigrant backgrounds ourselves, are gravely concerned that these bills will promote racial profiling and hurt our communities. We ask you to not to support HB 4105 and 4334.



## UNDULY BURDENS LOCAL LAW ENFORCEMENT AND HURTS COMMUNITY SAFETY

### **Burdens Local Law Enforcement & Pressures Them to Turn to Racial Profiling**

No longer will people of immigrant background feel like they can go to local enforcement about crimes from domestic violence to car accidents to other. This creates further division, distrust, and suspicion against local law enforcement.

- 1) HB 4105 unduly and unnecessarily burdens local governments to train their officers in immigration law and policy, setting them up to possible lawsuits because of racial profiling, or for interpreting immigration law incorrectly.
- 2) Our police officers are not immigration agents. But local enforcement will likely feel very pressured to engage in racial profiling simply to be able to comply with reporting requirements that the state is trying to force upon them. We taxpayers are not paying our local enforcement to act as federal immigration agents; we taxpayers are ALREADY paying for federal immigration agents.
- 3) Some rural communities in Michigan have very few immigrants residing in or visiting them. Only because local law enforcement may feel pressured by the state to look for and arrest undocumented immigrants so they can report *something* to the state and not fear the state taking away revenue, some may use racial profiling to net in anyone to report.
- 4) Studies of the federal "287(g)" program, whose expanded use was recently urged in an executive order signed by President Trump last week, revealed that local police involvement in the program resulted in widespread racial profiling.

### **Makes Neighborhoods Less Safe**

Studies have found that immigrants commit crimes at a lower rate than the general population, already. Crime is lower in counties that do not turn local law enforcement into federal immigration agents, compared to counties that do turn their local law enforcement into federal immigration enforcement, according to a 2017 study by the Center for American Progress. The report found that

1. Local law enforcement officials have argued against assisting federal immigration enforcement agencies such as ICE, as assisting in federal immigration enforcement efforts can drive a wedge between local law enforcement officials and the communities they serve, which undermines public safety.



2. Crime is statistically significantly lower in counties that do not turn local law enforcement into federal immigration agents, compared to counties that do turn their local law enforcement into federal immigration enforcement  
<https://newrepublic.com/minutes/141637/no-jeff-sessions-sanctuary-cities-dont-make-america-less-safe>

### **Tears Apart Families**

- 1) If a parent is unable to arrange childcare or custody prior to detention or deportation, the child may be taken by the state's Child Protective Services (CPS) for placement and case management. The child is usually placed in an emergency shelter; group home; or with a relative, friend, or stranger in a foster home while custody is determined in family court.
- 2) An estimated 5,000 U.S. citizen children in foster care had a detained or deported parent in 2011, according to a national study.  
<https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement#.WNrJ4NYPFgM.twitter>

### **FRIVOLOUSLY WASTES TAXPAYER RESOURCES**

#### **The "Private Attorney General" Provision Would Tie Up Resources And Bog Down Government**

- "The "private attorney general" element introduced in the new HB 4105 and new 4334 that would allow any resident of a city or county to sue the city or county in state court if they believed that the city or county was enacting or enforcing a law, policy, or rule that limits or prohibits an officer or employee from communicating or cooperating with appropriate federal officials concerning the immigration status of an individual. HB 4334 applies to counties and HB 4105 applies to other local units of government." - Michigan Immigrant Rights Center
- The expense of debating and adjudicating local governments based on potentially many erroneous assumptions or suspicions by residents, possibly simply because they don't like they like the race of another person in their community, could be extremely costly ultimately to taxpayers, as well as local governments. This drains local resources away from needed funds that help residents.
- This will be a huge waste of taxpayer dollars – my taxdollars.

### **STRAINS ALREADY-STRAPPED LOCAL GOVERNMENTS**

- 1) The reporting requirements sound like a frivolous waste of taxpayer dollars, instead of helping taxpayers
- 2) This sounds like a bureaucratic nightmare

### **VIOLATES US CONSTITUTION, CIVIL & HUMAN RIGHTS**

#### **1. Violates Probable Cause and Unconstitutional Because It Promotes Racial Profiling**



Kimberly S. Buddin, policy counsel at the ACLU of Michigan, told *Rewire* in an email that HB 4105 is unconstitutional and would dismantle “policies that have established trust between police and the communities they serve by further increasing racial profiling.”

*“The bill invites law enforcement to stop and detain individuals solely on the basis of their race, ethnicity, and/or national origin, a clear violation of the constitutional protections afforded to all people, and without a judicial determination of probable cause,” Buddin said.*

<https://rewire.news/article/2017/02/03/michigan-gop-joins-trump-targeting-sanctuary-cities/>

### **Violates the Equal Protection Clause of the Constitution, the Omnibus Crime Control and Safe Streets Act of 1968 Act, and possibly Title VI of the Civil Rights Act of 1964**

Questioning someone on their immigration status because of what they look or sound like, or pulling them over because they are for example, Latino, and asking them for their immigration status, potentially violates the:

- 1) Equal Protection Clause of the US Constitution, and possibly the
- 2) Omnibus Crime Control and Safe Streets Act of 1968 Act, according to the US Department of Justice, which prohibits discrimination because of national origin, race, color, religion, or sex by a police department that gets federal funds through the U.S. Department of Justice.
- 3) Police officers who engage in this discriminatory behavior may also violate Title VI of the Civil Rights Act of 1964, which prohibits discrimination by law enforcement agencies that receive any federal financial assistance, including asset forfeiture property.

### **Goes Against the International Covenant on Civil & Political Rights**

The US is a signer to the United Nation’s International Covenant on Civil and Political Rights. Meaning, the US agreed to the “rights recognized in the International Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (*Part II, Article 2*)

## **IGNORES LOCAL AND COMMUNITY GOVERNANCE**

### **Violates Local Sovereignty**

Local communities, cities and towns, know best what their residents need. Let them choose how to their residents, based on what residents want and need. That’s why we elect our own city council and mayor – to govern our communities; not so that the state can force our mayor or city council or local enforcement – to do the state’s bidding, over riding local citizen control.

- “There is nothing to the idea of state sovereignty if state and city officials are not entitled to direct how their subordinates exercise their lawful discretion to advance state and local interests.” - Ohio State University Professor Peter Shane, who has studied both federalism and presidential authority.

<https://www.theatlantic.com/politics/archive/2017/01/trumps-sloppy-unconstitutional-order-on-sanctuary-cities/514883/>

## **HURTS LOCAL BUSINESSES, WORKERS, AND MAIN ST ECONOMY**



### **Sanctuary Cities And Counties Mean Stronger Local Economies**

In the same report CAP report mentioned before, this report found that not only is crime lower in sanctuary counties, local economies are actually stronger. from higher median household income, less poverty, and less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.

- There are, on average, 35.5 fewer crimes committed per 10,000 people in sanctuary counties compared to nonsanctuary counties.
- Median household annual income is, on average, \$4,353 higher in sanctuary counties compared to nonsanctuary counties.
- The poverty rate is 2.3% lower, on average, in sanctuary counties compared to nonsanctuary counties.
- Unemployment is, on average, 1.1% lower in sanctuary counties compared to nonsanctuary counties.
- While the results hold true across sanctuary jurisdictions, the sanctuary counties with the smallest populations see the most pronounced effects.